

MAR 30 1992

FILED
CEDAR RAPIDS HQTRS OFFICE
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES DISTRICT COURT
NORTHERN AND SOUTHERN DISTRICTS OF IOWA

MAR 30 1992

11:00 am

WILLIAM J. KANAK - Clerk
By: [Signature] Deputy

IN RE: PLAN FOR REPRESENTATION
OF INDIGENT PLAINTIFFS
IN CIVIL RIGHTS CASES

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N.D. Adm. No. 1119
S.D. No. M-1-105

In 1989 and 1990 the Iowa State Bar Association Volunteer Lawyers Project obtained grants from the IOLTA commission to fund a low fee panel of attorneys to meet indigent prisoners' need for representation in cases brought under 42 U.S.C. § 1983. In 1991 an IOLTA grant was used by the Iowa State Bar Association Volunteer Lawyers Project to retain contract lawyers to provide most such representation. The number of cases the contract lawyers are required to accept is limited, and the limit will soon be reached.

Since the decision in Mallard v. District Court, 490 U.S. 296 (1989), an increasing number of attorneys have declined the courts' requests that they serve pro bono, usually citing feared incompetence to practice in this area, unfamiliarity with this type of case or limited experience in federal court. These fears have generally proved exaggerated and unfounded. Some pro se inmates cannot effectively gain access to the courts without assistance of counsel. "The participation of the bar in providing services to the indigent, though they be residents of correctional institutions, is essential." In Re Lane, 801 F.2d 1040, 1044 (8th Cir. 1986).

The judges of these courts have conferred and unanimously decided that these cases require use of the courts' inherent power to appoint counsel. Effective March 20, 1992, counsel shall be appointed to serve in cases brought by indigent prisoners under 42 U.S.C. § 1983.

Once the court determines that a plaintiff is indigent, and that the factors outlined in In Re Lane, 801 F.2d 1040, 1043-44 (8th Cir. 1986), have been met, an order appointing counsel will be entered. Certain out-of-pocket expenses may be reimbursed through the courts' attorney admission fee funds. The procedure for requesting these funds will be enclosed with the appointment order.


The courts will make every effort to avoid appointing counsel to more than one case every two years. The courts will make a reasonable effort to ensure that counsel who have paid the assessment described below are not appointed under the inherent power, but occasionally such an appointment may need to be made.


The biannual registration fee required to remain a member in good standing of the bar of these courts will be increased by fifty dollars. The total fee will be seventy dollars. Attorneys may volunteer to accept one prisoner 1983 case every two years in lieu of paying the additional fifty dollar fee. Forms for reporting mandatory CLE will contain a space to volunteer for this alternative. Money from the additional fifty dollar fee will be maintained by the clerk and used to assist indigent

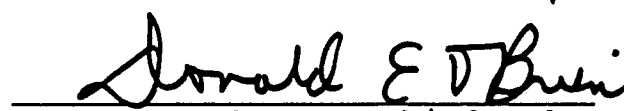
representation, supplemented by IOLTA or other grants as available.

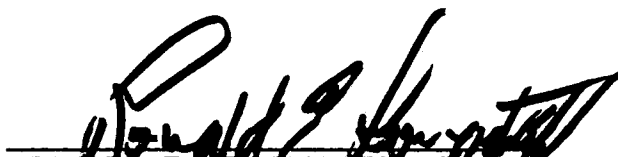
The courts recognize that, notwithstanding this Plan, there may be cases which require appointment of any attorney who is admitted to practice before these courts. The need for appointments will be greatest until the supplemental assessments generate sufficient funds to fully support the program. In such cases the courts will exempt attorneys who actively participate in the organized delivery of pro bono legal services through the ISBA Volunteer Lawyers Project.

Dated this 20 day of March, 1992.


HAROLD D. VIETOR, Chief Judge,
Southern District of Iowa


CHARLES R. WOLLE, Judge
Southern District of Iowa


DONALD E. O'BRIEN, Chief Judge,
Northern District of Iowa


RONALD E. LONGSTAFF, Judge,
Southern District of Iowa

IN THE UNITED STATES DISTRICT COURT
FOR THE
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CEDAR RAPIDS HQQTRS OFFICE
NORTHERN DISTRICT OF IOWA

DEC 18 1992

IN RE: PLAN FOR REPRESENTATION OF) NO. M1-105
INDIGENT PLAINTIFFS IN)
CIVIL RIGHTS CASES)

ORDER
By: William J. Kanak - Clerk
N.D. IA. ADMIN. ORDER 1119 Deputy

IT IS ORDERED that the Plan for Representation of Indigent Plaintiffs in Civil Rights Cases is amended to exempt attorneys who are full-time employees of a legal aid society, legal services corporation, or other nonprofit organization, which has as its primary purpose the furnishing of legal services to indigent Iowans from payment of the \$50.00 special assessment.

Dated this 18th day of December, 1992.

Donald E. O'Brien
DONALD E. O'BRIEN, Chief Judge
United States District Court
Northern District of Iowa

Michael J. Melloy
MICHAEL J. MELLOY, Judge
United States District Court
Northern District of Iowa

Charles R. Wolle
CHARLES R. WOLLE, Chief Judge
United States District Court
Southern District of Iowa

Harold D. Vietor
HAROLD D. VIETOR, Judge
United States District Court
Southern District of Iowa

Ronald E. Longstaff
RONALD E. LONGSTAFF, Judge
United States District Court
Southern District of Iowa

Attach to
1119